

Notice of Allowability

Application No.

09/897,292

Examiner

Gregory J. Vaughn

Applicant(s)

COHEN, GERALD I.

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 4/3/2006.
2. ☒ The allowed claim(s) is/are 40-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

Action Background

1. This action is responsive to the Request for Continued Examination, filed on 4/3/2006.
2. Applicant has amended claims 40-42, 44, 52-55, 57 and 58.
3. Claims 40-58 are pending in the case, claims 40, 52, 54 and 57 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 1/11/2006) has been withdrawn pursuant to 37 CFR 1.114.
5. The examiner's rejection of claims 57 and 58, made under 35 USC 112, related to new matter and indefiniteness is withdrawn in view of the amendment to the claims.
6. The examiner's rejection of claims 40-47, 51, 52 and 54, made under 35 USC 102(e), as being anticipated by McNally et al., US Patent 6,384,850 is withdrawn in view of the amendment to the claims.

Art Unit: 2178

7. The examiner's rejection of claim 48, made under 35 USC 103(a), as being unpatentable over McNally in view of Mundell et al., US Patent 6,549,890 is withdrawn in view of the amendment to the claims.
8. The examiner's rejection of claims 49, 50, 53, 55 and 56, made under 35 USC 103(a), as being unpatentable over McNally in view of Banerjee et al., US Patent 6,760,017 is withdrawn in view of the amendment to the claims.

Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 40, 52, 54 and 57, the prior art of record neither anticipates nor suggests to a person of ordinary skill, at the time the invention was made, the claimed method, article of manufacture or system of utilizing a plurality of menus to access selected data in a menu database by using a database record, a menu template and a menu template modifier to recreate a previously developed menu, based upon a user selection of the previously developed menu, further including displaying the menu to the user where the user selects a menu item associated with an event, and causing the event associated to the menu item to occur.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays,

Art Unit: 2178

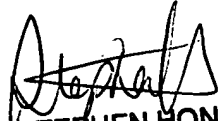
should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory J. Vaughn
June 22, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER